

# Revenue and Taxation.

As Amended in Convention,  
and Ordered Engrossed for a  
second Reading, February 11<sup>th</sup>, 1879.

## Article Revenue and Taxation.

Section 1. All property in the State, not exempt under the laws of the United States, shall be taxed in proportion to its value, to be ascertained as provided by law. The word "property" as used in this article and section is hereby declared to include moneys, credits, bonds, stocks, duties, franchises, and all other matters and things capable

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of private ownership,  
real, personal, and mixed.  
Provided, that growing  
crops, property used  
exclusively for public  
schools, and such as may  
belong to the United States,  
this State, or to any county  
or municipal corporation  
within this State, shall  
be exempt from taxation.  
The Legislature may  
provide, except in the  
case of credits secured  
by mortgage or trust  
deed, for a deduction from  
credits, of debts due to  
bona fide residents of  
this State.

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SEC. <sup>2</sup>~~2~~ Land, and the improvements thereon, shall be separately assessed. Cultivated and uncultivated land, of the same quality, and similarly situated, shall be assessed at the same value.

SEC. <sup>3</sup>~~3~~ Every tract of land containing within its boundaries more than one government section shall be assessed, for the purposes of taxation, by sections or fractional sections; and where the section lines have not been established by authority of the United States, the Assessor and County Surveyor shall establish the section lines, in conformity with the government system of surveys, as nearly as practicable. Each section or fractional section shall be valued and assessed separately: and for the purpose of subdividing and assessing, the Assessor and Surveyor, and their assistants, may enter upon any land within their respective counties.

SEC. <sup>4</sup>~~3~~ A mortgage, deed of trust, contract, or other obligation by which a debt is secured, shall, for the purposes of assessment and taxation, be deemed and treated as an interest in the property affected thereby. Except as to railroad and other quasi public corporations, in case of debts so secured, the value of the property affected by such mortgage, deed of trust, contract, or obligation, less the value of such security, shall be assessed and taxed to the owner of the property, and the value of such security shall be assessed and taxed to the owner thereof, in the county, city, or district, in which the property affected thereby is situate. The taxes so levied shall be a lien upon the property and security, and may be paid by either party to such security; if paid by the owner of the security, the tax so levied upon the property affected thereby shall become a part of the debt so secured; if the owner of the property shall pay the tax so levied on such security, it shall constitute a payment thereon, and to the extent of such payment a full discharge thereof; *provided*, that if any such security or indebtedness shall be paid by any such debtor or debtors, after assessment and before the tax levy, the amount of such levy may likewise be retained by such debtor or debtors, and shall be computed according to the tax levy for the preceding year.

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SEC. 5. Every contract hereafter made, by which a debtor is obligated to pay any tax or assessment on money loaned, or on any mortgage, deed of trust, or other lien, shall, as to any interest specified therein, and as to such tax or assessment, be null and void.

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SEC. 10. The power of taxation shall never be surrendered or suspended by any grant or contract to which the State shall be a party.

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SEC. 11. The Legislature shall have the power to provide by law for the payment of all taxes on real property by installments.

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SEC. 12. The Legislature shall by law require each taxpayer in this State to make and deliver to the County Assessor, annually, a statement, under oath, setting forth specifically all the real and personal property owned by such taxpayer, or in his possession, or under his control, at twelve o'clock meridian, on the first Monday of March.

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SEC. 15. A State Board of Equalization, consisting of ~~two~~ <sup>one</sup> members from each Congressional District in this State, shall be elected by the qualified electors of their respective districts, at the general election to be held in the year one thousand eight hundred and seventy-nine, <sup>whose</sup>

Term of office after  
those first elected shall  
be four years

whose duty it shall be to equalize the valuation of the taxable property of the several counties in the State for the purposes of State taxation.

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The Controller of State shall be ex officio a member of said Board. The Boards of Supervisors of the several counties of the State shall constitute Boards of Equalization for their respective counties, whose duty it shall be to equalize the valuation of the taxable property in the county for the purpose of county taxation; *provided*, said State and County Boards of Equalization are hereby authorized and empowered, under such rules of notice as the County Boards may prescribe, as to the county assessments, and under such rules of notice as the State Board may prescribe, as to the action of the State Board, to increase or lower the entire assessment roll, or any assessment contained therein, so as to equalize the assessment of the property contained in said assessment roll, and make the assessment conform to the true value in money of the property contained in said roll.

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SEC. ~~10~~ The franchise, roadway, road-bed, rails, and rolling stock of all railroads in this State, operated in more than one county, shall be assessed by the State Board of Equalization, at their actual value, and the same shall be apportioned to the counties, cities and counties, cities, townships, and districts in which such railroads are located, in proportion to the number of miles of railway laid in such counties;

*cities and counties,  
cities, towns, townships  
and districts;*

and all other property of railroads shall be assessed by the counties in which such property is situated.

[SEC. ~~11~~ Income taxes may be assessed to and collected from persons, corporations, joint-stock associations, or companies resident or doing business in this State, or any one or more of them, in such cases and amounts, and in such manner, as shall be prescribed by law.

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SEC. ~~12~~ The Legislature shall pass all laws necessary to carry out the provisions of this article.

# Water and Water Rights

*As Amended in Convention  
and Ordered Engraved  
for a Second Reading,  
February 14<sup>th</sup> 1879*

*Article —.*

## *Water and Water Rights*

SEC. 1. The use of all water now appropriated, or that may hereafter be appropriated, for sale, rental, or distribution, is hereby declared to be a public use, and subject to the regulation and control of the State, in the manner to be prescribed by law. *Provided that*

~~SECTION~~. The rates or compensation to be collected by any person, company or corporation in this State, for the use of water supplied to any ~~county~~, city and county, or city or town, or the inhabitants thereof, shall be fixed annually by the Board of Supervisors, or city and county, or City or Town Council, or other governing body of such ~~county~~ city and county, or city or town, by ordinance or otherwise, in the manner that other ordinances or legislative acts or resolutions are passed by such body, and shall continue in force for one year and no longer. Such ordinances or resolutions shall be passed in the month of February of each year, and take effect on the first day of July thereafter. Any Board or body failing to pass the necessary ordinances or resolutions fixing water-rates, <sup>where</sup> ~~when~~ necessary, within such time, shall be subject to peremptory process, to compel action at the suit of any party interested, and shall be liable to such further processes and penalties as the Legislature may prescribe. Any person, company or corporation, collecting water-rates in any ~~county~~, city and county, or city or town in this State, otherwise than as so established, shall forfeit the franchises and water-works of such person, company or corporation, to the ~~county or city~~ city and county, or city or town where the same are collected, for the public use.

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SEC. 4. The right to collect rates or compensation for the use of water supplied to any county, city and county, or town, or the inhabitants thereof, is a franchise, and cannot be exercised except by authority of and in the manner prescribed by law.

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Adm  
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Printer's copy  
State Constitution, etc  
Hearings, etc  
Suffrage  
Water Rights  
Education

ASSEMBLED BY COMMITTEE OF THE WHOLE

NOV 11 1878



# State Institutions and Public Buildings.

As Amended in Convention  
and Ordered Enrolled for  
a Second Reading February 14<sup>th</sup>, 1849.

## Article — State Institutions and Public Buildings.

SECTION 1. There shall be a State Board of Prison Directors, to consist of five persons, to be appointed by the Governor, with the advice and consent of the Senate, who shall hold office for ten years, except that the first appointed shall, in such manner as the Legislature may direct, be so classified that the term of one person so appointed shall expire at the end of each two years during the first ten years, and vacancies occurring shall be filled in like manner. The appointee to a vacancy, occurring before the expiration of a term, shall hold only for the unexpired term of his predecessor. The Governor shall have the power to remove either of the directors for misconduct, incompetency, or neglect of duty, after an opportunity to be heard upon written charges.

SEC. 2. The Board of Directors shall have the charge and superintendence of the State Prisons, and shall possess such powers, and perform such duties, in respect to other penal and reformatory institutions of the State, as the Legislature may prescribe.

SEC. 3. The Board shall appoint the Warden and Clerk, and determine the other necessary officers of the Prisons. The Board shall have power to remove the Wardens and Clerks for misconduct, incompetency, or neglect of duty; all other officers and employes of the Prisons shall be appointed by the Warden thereof, and be removed at his pleasure.

SEC. 4. The members of the Board shall receive no compensation other than reasonable traveling and other expenses incurred while engaged in the performance of official duties, to be audited as the Legislature may direct.

SEC. 5. The Legislature shall pass such laws as may be necessary to further define and regulate the powers and duties of the Board, Wardens, and Clerks, and to carry into effect the provisions of this article.

~~New section, introduced by Mr. Wellin, and adopted.~~

SEC. 6. After the first day of January, eighteen hundred and eighty-two, the labor of convicts shall not be let out by contract to any person, copartnership, company, or corporation, and the Legislature shall, by law, provide for the working of convicts for the benefit of the State.

*Edw. J. Hall*  
*Secretary*

# City, County, and Township Organizations.

~~As~~ Amended in Convention  
and Ordered Enrolled  
for a Second Reading  
~~At~~ February 18<sup>th</sup> 1899

## ARTICLE —.

### CITIES, COUNTIES, AND TOWNS.

SECTION 1. The several counties, as they now exist, are hereby recognized as legal subdivisions of this State.

SEC. 2. No county seat shall be removed unless two-thirds of the qualified electors of the county, voting on the proposition at a general election, shall vote in favor of such removal. A proposition of removal shall not be submitted in the same county more than once in four years.

SEC. 3. No new county shall be established which shall reduce any county to a population of less than eight thousand; nor shall a new county be formed containing a less population than five thousand; nor shall any line thereof pass within five miles of the county seat of any county proposed to be divided.

Every county which shall be enlarged or created from territory taken from any other county or counties shall be liable for a just proportion

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of the existing debts and  
liabilities of the county or  
counties from which such  
territory shall be taken.

SEC. 4. The Legislature shall establish a system of county governments which shall be uniform throughout the State; and by general laws shall provide for township organization, under which any county may organize whenever a majority of the qualified electors of such county, voting at a general election, shall so determine; and, whenever a county shall adopt township organization, the assessment and collection of the revenue shall be made, and the business of such county and the local affairs of the several townships therein shall be managed and transacted in the manner prescribed by such general laws.

SEC. 5. The Legislature, by general and uniform laws, shall provide for the election or appointment, in the several counties, of Boards of Supervisors, Sheriffs, County Clerks, District Attorneys, and such other county, township, and municipal officers as public convenience may require, and shall prescribe their duties and fix their compensation. It shall regulate the salaries and fees of all county officers, in proportion to duties, and for this purpose may classify the counties by population; and it shall provide for the strict accountability of county and township officers for all fees which may be collected by them, and for all public and municipal moneys which may be paid to them or officially come into their possession.

SEC. 6. The Legislature, by general laws, shall provide for the incorporation, organization, and classification, in proportion to population, of cities and towns; and cities and towns heretofore organized or incorporated may become organized under and subject to such general laws. Cities and towns may become incorporated under general laws, whenever a majority of the electors voting at a general election shall so determine, and shall organize in conformity therewith.

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SEC. 7. City and county governments may be merged and consolidated into one municipal government, with one set of officers, and may be incorporated under general laws providing for the incorporation and organization of corporations for municipal purposes. The provisions of this Constitution applicable to cities, and also those applicable to counties, so far as not inconsistent or not prohibited to cities, shall be applicable to such consolidated government. In consolidated city and county governments, of more than one hundred thousand population, there shall be two Boards of Supervisors or Houses of Legislation—one of which, to consist of twelve persons, shall be elected by general ticket from the city and county at large, and shall hold office for the term of four years, but shall be so classified that after the first election only six shall be elected every two years; the other, to consist of twelve persons, shall be elected every two years, and shall hold office for two years. Any casual vacancy in the office of Supervisor, in either Board, shall be filled by the Mayor.

SEC. 8. Any city may frame a charter for its own government, consistent with and subject to the Constitution and laws of this State, by causing a Board of fifteen freeholders, who shall have been for at least five years qualified electors thereof, to be elected by the qualified voters of such city, at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a charter for such city, which shall be signed in duplicate by the members of such Board, or a majority of them, and returned, one copy thereof to the Mayor, or other chief executive officer of such city, and the other to the Recorder of deeds of the county. Such proposed charter shall then be published in two daily papers of largest general circulation in such city for at least twenty days, and within not less than thirty days after such publication it shall be submitted to the qualified electors of such city at a general or special election, and if a majority of such qualified electors voting thereat shall ratify the same, it shall,

*thereafter  
be submitted to the legislature for its approval or rejection as a whole without power of alteration*

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or amendment and if  
approved by a majority  
vote of the members  
elected to each house  
it shall

become the charter of such city, or if such city be consolidated with a county in government, then of such city and county, and shall become the organic law thereof, and supersede any existing charter and all amendments thereof, and all special laws inconsistent with such charter. A copy of such charter, certified by the Mayor, or chief executive officer, and authenticated by the seal of such city, setting forth the submission of such charter to the electors and its ratification by them, shall be made in duplicate and deposited, one in the office of the Secretary of State, the other, after being recorded in the office of the Recorder of deeds of the county, among the archives of the city, and thereafter all Courts shall take judicial notice thereof. The charter so ratified may be amended at intervals of not less than two years, by proposals therefor, submitted by legislative authority of the city to the qualified voters thereof, at a general or special election held at least sixty days after the publication of

such proposals, and ratified by at least three-fifths of the qualified electors voting thereat,

and approved by  
the legislature as herein  
provided for the approval  
of the charter.

In submitting any such charter, or amendment thereto, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others.

SEC. 70.9 The compensation or fees of any county, city, town, or municipal officer shall not be increased after his election or during his term of office; nor shall the term of any such officer be extended beyond the period for which he is elected or appointed.

SEC. ~~14~~/0 No county, city, town, or other public or municipal corporation, nor the inhabitants thereof, nor the property therein, shall be released or discharged from their or its proportionate share of taxes to be levied for State purposes, nor shall commutation for such taxes be authorized in any form whatsoever.

SEC. ~~12~~/4 Any county, city, town, or township may make and enforce within its limits all such local, police, sanitary, and other regulations as are not in conflict with general laws.

SEC. ~~14~~/2 The Legislature shall have no power to impose taxes upon counties, cities, towns, or other public or municipal corporations, or upon the inhabitants or property thereof, for county, city, town, or other municipal purposes, but may, by general laws, vest in the corporate authorities thereof the power to assess and collect taxes for such purposes.

SEC. ~~15~~/3 The Legislature shall not delegate to any special commission, private corporation, company, association, or individual, any power to make, control, appropriate, supervise, or in any way interfere with, any county, city, town, or municipal improvement, money, property, or effects, whether held in trust or otherwise, or to levy taxes or assessments, or perform any municipal functions whatever.

SEC. ~~16~~/4 No State office shall be continued or created in any county, city, town, or other municipality, for the inspection, measurement, or graduation of any merchandise, manufacture, or commodity; but such county, city, town, or municipality may, when authorized by general law, and the public interest demands it, appoint such officers.

SEC. ~~17~~/5 Private property shall not be taken or sold for the payment of the corporate debt of any political or municipal corporation.

SEC. ~~18~~/6 All moneys, assessments, and taxes belonging to or collected for the use of any county, city, town, or other public or municipal corporation, coming into the hands of any officer thereof, shall, immediately on the receipt thereof, be deposited with the Treasurer, or other legal depositary, to the credit of such city, town, or other corporation respectively, for the benefit of the funds to which they respectively belong.

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SEC. 10/7 The making of profit out of county, city, town, or other public money, or using the same for any purpose not authorized by law, by any officer having the possession or control thereof, shall be a felony, and shall be prosecuted and punished as prescribed by law.

SEC. 11/8 No county, city, town, township, Board of Education, or school district, shall incur any indebtedness or liability in any manner, or for any purpose, exceeding in any year the income and revenue provided for them respectively for such year, without the assent of two-thirds of the qualified voters thereof voting at an election to be held for that purpose ~~not~~

unless, before or at the time of incurring such indebtedness, provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within twenty years from the time of contracting the same. Any indebtedness or liability incurred contrary to this provision shall be void.

SEC. 12/9 No public work or improvement of any description whatsoever shall be done or made, in any city, in, upon, or about the streets thereof, or otherwise, the cost and expense of which is made chargeable or may be assessed upon private property by special assessment, unless an estimate of such cost and expense shall be made, and an assessment in proportion to benefits, on the property to be affected or benefited, shall be levied, collected, and paid into the city treasury before such work or improvement shall be com-

menced, or any contract for letting or doing the same authorized or performed. In any city where there are no public works owned and controlled by the municipality, for supplying the same with water or artificial light, any individual, or any company duly incorporated

for such  
purpose under and  
by authority of

the laws of this State, shall,

under the direction of the Superintendent of Streets,

or other  
officer in control thereof



*general*  
and under such regula-

tions as the municipality may prescribe, for damages and indemnity for damages, have the privilege of using the public streets and thoroughfares thereof, and of laying down pipes and conduits therein, and connections therewith, so far as may be necessary for introducing into and supplying such city and its inhabitants either with gas-light or other illuminating light, or with fresh water for domestic and all other purposes, upon the condition that the municipal government shall have the right to regulate the charges thereof.

city etc organization  
for books

27 The first of the...  
28 The second of the...  
29 The third of the...  
30 The fourth of the...  
31 The fifth of the...  
32 The sixth of the...  
33 The seventh of the...  
34 The eighth of the...  
35 The ninth of the...  
36 The tenth of the...

James

**Amendment.**

**No. 523.**

~~INTRODUCED BY COMMITTEE ON~~ EDUCATION.

~~DECEMBER 13TH, 1878.~~

AS AMENDED IN *Convention and ordered*  
~~COMMITTEE OF THE WHOLE.~~

*Ingrassed for a second reading Feby 18. 1879*

~~RELATIVE TO~~ EDUCATION.

ARTICLE IX.

EDUCATION.

SECTION 1. A general diffusion of knowledge and intelligence being  
2 essential to the preservation of the rights and liberties of the people, the  
3 Legislature shall encourage, by all suitable means, the promotion of intellect-  
4 ual, scientific, moral, and agricultural improvement.

SEC. 2. A Superintendent of Public Instruction shall, at the first  
2 gubernatorial election after the adoption of this Constitution, and every four  
3 years thereafter, be elected by the qualified voters of the State. He shall  
4 receive a salary equal to that of the Secretary of State, and shall enter upon  
5 the duties of his office on the first Monday of January next after his election.

SEC. 3. A Superintendent of Schools for each county shall be elected  
2 by the qualified voters thereof at the first gubernatorial election, and every  
3 four years thereafter; *provided*, that the Legislature may authorize two or  
4 more counties to unite and elect one Superintendent for all the counties so  
5 uniting.

SEC. 4. The proceeds of all lands that have been or may be granted  
 2 by the United States to this State for the support of common schools which  
 3 may be, or may have been, sold or disposed of, and the five hundred thousand  
 4 acres of land granted to the new States under an Act of Congress distribu-  
 5 ting the proceeds of the public lands among the several States of the Union,  
 6 approved A. D. one thousand eight hundred and forty-one, and all estates of  
 7 deceased persons who may have died without leaving a will or heir, and also  
 8 such per cent. as may be granted, or have been granted, by Congress on the  
 9 sale of lands in this State, shall be and remain a perpetual fund, the interest  
 10 of which, together with all the rents of the unsold lands, and such other  
 11 means as the Legislature may provide, shall be inviolably appropriated to the  
 12 support of common schools throughout the State, subject to the provisions of  
 13 section six of this article.

~~The following is section four, as amended on motion of Mr. Laine, and  
 adopted:~~

[SEC. 4. The proceeds of all lands that have been or may be granted  
 2 by the United States to this State for the support of common schools which  
 3 may be, or may have been, sold or disposed of, and the five hundred thousand  
 4 acres of land granted to the new States under an Act of Congress distribu-  
 5 ting the proceeds of the public lands among the several States of the Union,  
 6 approved A. D. one thousand eight hundred and forty-one, and all estates of  
 7 deceased persons who may have died without leaving a will or heir, and also  
 8 such per cent. as may be granted, or have been granted, by Congress on the  
 9 sale of lands in this State, shall be and remain a perpetual fund, the interest  
 10 of which, together with all the rents of the unsold lands, and such other  
 11 means as the Legislature may provide, shall be inviolably appropriated to the  
 12 support of common schools throughout the State.]

SEC. 5. The Legislature shall provide for a system of common schools  
2 by which a free school shall be kept up and supported in each district at least  
3 six months in every year, after the first year, in which a school has been  
4 established; and any school district neglecting to keep up and support such  
5 a school shall be deprived of its proportion of the interest of the public fund  
6 during such neglect.

~~The following is section five, as amended on motion of Mr. Larkin, and  
adopted:~~

[SEC. 5. The Legislature shall provide for a system of common schools  
2 by which a free school shall be kept up and supported in each district at least  
3 six months in every year, after the first year, in which a school has been  
4 established.]

~~SEC. 6. The public school system shall include primary and grammar  
2 schools, and such high schools, evening schools, normal schools, and technical  
3 schools, as may be established by the Legislature, or by municipal or district  
4 authority; but the entire revenue derived from the State School Fund, and  
5 the State school tax, shall be applied exclusively to the support of primary  
6 and grammar schools.~~

~~The following is section six, as amended on motion of Mr. Howard of  
Los Angeles, and adopted:~~

[SEC. 6. The public school system shall include primary and grammar  
2 schools, and such high schools, evening schools, normal schools, and technical  
3 schools, as may be established by the Legislature, or by municipal or district  
4 authority; but the entire revenue derived from the State School Fund, and  
5 the State school tax, shall be applied exclusively to the support of primary

*Marked out by order of Mr. Rogers.*

6 and grammar schools. ~~In the primary and grammar schools no language~~  
 7 ~~but the English shall be taught.~~

SEC. 7. A State Board of Education, consisting of two members from  
 2 each Congressional district, shall be elected by the qualified voters of the dis-  
 3 trict at the first gubernatorial election after the adoption of this Constitution,  
 4 who shall hold their office for the term of four years, and enter upon the  
 5 duties thereof on the first Monday of January next after their election; *pro-*  
 6 *vided*, that such members first so elected shall be divided into two equal  
 7 ~~classes—each class consisting of one member from each district—and that the~~  
 8 first class shall go out of office at the expiration of two years from the com-  
 9 mencement of their term of office; and at each general biennial election, after  
 10 such gubernatorial election, one member of such Board shall be elected from  
 11 each congressional district, so that one-half thereof shall be elected bien-  
 12 nially. The Superintendent of Public Instruction shall be ex officio a mem-  
 13 ~~ber of such Board, and President thereof.~~

~~The above section seven, was, on motion of Mr. Caples, stricken out.~~

SEC. 8. The State Board of Education shall recommend a series of  
 2 text-books for adoption by the local Boards of Education, or by the Boards of  
 3 Supervisors, and County Superintendents of the several counties where such  
 4 local Boards do not exist, but such recommendation shall not be compulsory.  
 5 After the adoption of a series of text-books by said Boards, or any of them,  
 6 such books must be continued in use for not less than four years. The State  
 7 Board of Education shall also have control of the examination of teachers  
 8 and the granting of certificates. They shall possess such further powers and  
 9 ~~perform such further duties as may be prescribed by law.~~

~~The following is section eight, as amended on motion of Mr. Lane, and adopted:~~

[SEC. 8. The local Boards of Education, and the Boards of Supervisors, and County Superintendents of the several counties which may not have County Boards of Education, shall adopt a series of text-books for the use of the common schools within their respective jurisdictions; the text-books so adopted shall continue in use for not less than four years; they shall also have control of the examination of teachers, and the granting of teachers' certificates within their several jurisdictions.]

~~SEC. 9. No public money shall ever be appropriated for the support of any sectarian or denominational school, or any school not under the exclusive control of the officers of the public schools.~~

~~The following is section nine, as amended on motion of Mr. Ringgold, and adopted:~~

[SEC. 9. No public money shall ever be appropriated for the support of any sectarian or denominational school, or any school not under the exclusive control of the officers of the public schools; nor shall any sectarian or denominational doctrine be taught, or instruction thereon be permitted, directly or indirectly, in any of the common schools of this State.]

~~SEC. 10. The University of California shall constitute a public trust, and its organization and government shall be perpetually continued in their existing form and character, subject only to such legislative control as may be necessary to insure compliance with the terms of its endowments, and of the several Acts of the Legislature of this State, and of the Congress of the United States, donating lands or money for its support. It shall be entirely~~

7 independent of all political or sectarian influences, and kept free therefrom  
8 in the appointment of its Regents, and in the administration of its affairs.

~~Substitute for section ten, offered by Mr. Laine, and adopted:~~

[SEC. 10. The University of California is hereby declared to be a  
2 perpetual institution of this State, organized to administer a great public  
3 trust, and the Legislature shall have no power to impair or divert any gift,  
4 grant, or donation made to it from the purposes or objects of those making  
5 such gift, grant, or donation. Its officers shall hold office for such time as  
6 the Legislature may prescribe. Instruction shall be therein given, in addi-  
7 tion to other matters, in agriculture, metallurgy, the mechanic arts, and  
8 applied sciences. It shall be entirely independent of all political and secta-  
9 rian influences.



# Lands and Homesteads Exemption.

As Amended in Convention  
and Ordered & Engraved for  
a second reading February  
18<sup>th</sup> 1879.

## Article —

### Lands and Homesteads Exemption.

SEC. 1. The Legislature shall protect by law from forced sale a certain portion of the homestead and other property of all heads of families.

SECTION 2. The holding of large tracts of land, uncultivated and unimproved, by individuals and corporations, is against the public interest, and should be discouraged by all means not inconsistent with the rights of private property.

SEC. 3. Hereafter lands belonging to this State, which are suitable for cultivation, shall be granted only to actual settlers, and in quantities not exceeding three hundred and twenty acres to each settler, under such conditions as shall be prescribed by law.

Future Amendments.  
As Amended in Convention,  
and Ordered Engraved  
for a Second Reading,  
Feb. 5<sup>th</sup>, 1879

MODE OF AMENDING AND REVISING THE CONSTITUTION.

ARTICLE X.

SECTION 1. Any amendment or amendments to this Constitution may  
2 be proposed in the Senate or Assembly, and if two-thirds of all the members  
3 elected to each of the two Houses shall vote in favor thereof, such proposed  
4 amendment or amendments shall be entered in their Journals, with the yeas  
5 and nays taken thereon; and it shall be the duty of said Legislature to sub-  
6 mit such proposed amendment or amendments to the people in such manner  
7 *and after such publication* and at such time as may be deemed expedient. ~~Such amendment or amend-~~  
8 ~~ments shall be published in full in each county in the State wherein a news-~~  
9 ~~paper is published for at least three months next preceding the election at~~  
10 ~~which they are to be submitted.~~ Should more than one amendment be sub-  
11 mitted at the same election, they shall be so prepared and distinguished, by  
12 numbers or otherwise, that they can be voted on separately. If the people  
13 shall approve and ratify such amendment or amendments, or any of them, by  
14 a majority of the electors qualified to vote for members of the Legislature

15 voting therefor, such amendment or amendments shall become a part of this  
16 Constitution.

SEC. 2. Whenever two-thirds of the members elected to each branch  
2 of the Legislature shall think it necessary to revise this Constitution, they  
3 shall recommend to the electors to vote at the next general election for or  
4 against a Convention for that purpose, and if a majority of the electors voting  
5 at said election, on the proposition for a Convention, shall vote in favor thereof,  
6 the Legislature shall, at its next session, provide by law for calling the same.  
7 Said Convention shall consist of a number of delegates not to exceed that of both  
8 branches of the Legislature, which shall be chosen in the same manner, and have  
9 the same qualifications, as members of the Legislature. The delegates so elected  
10 shall meet within three months after their election at such place as the Legisla-  
11 ture may direct. The Constitution that may be agreed upon by such Convention  
12 shall be submitted to the people at a special election to be provided for by law,  
13 for their ratification or rejection, in such manner as the Convention may  
14 determine. The returns of such election shall, in such manner as the Con-  
15 vention shall direct, be certified to the Executive of the State, who shall call  
16 to his assistance the Controller, Treasurer, and Secretary of State, and com-  
17 pare the returns so certified to him; and it shall be the duty of the Executive  
18 to declare, by his proclamation, such Constitution as may have been ratified  
19 by a majority of all the votes cast at such special election, to be the Constitu-  
20 tion of the State of California.